UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,352	02/04/2002	Srinivas Pothapragada	07575-033002	8494

			EXAMINER
26181	7590	07/28/2005	ORTIZ, BELIX M

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ART UNIT	PAPER NUMBER
2164	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _07 June 2005_.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _2-16_ is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _2-16_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All   b)☐ Some * c)☐ None of:
   1.☐ Certified copies of the priority documents have been received.
   2.☐ Certified copies of the priority documents have been received in Application No. _____.
   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

DETAILED ACTION

Remarks

1. In response to communications files on 7-June-2005, claims 2-3, 5-8, 11, 13-14,

and 16 are amended per applicant's request. Therefore, claims 2-16 are

presently pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 2-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Cannon et al. (U.S. patent 6,754,715) in view of Perryman et al. (U.S. patent

5,005,099).

As to claims 2 and 13, Cannon et al. teaches a computer-implemented

method of transmitting streaming data (see abstract), the method comprising:

streaming a video comprising previously-stored first video data and

second video data from data storage to a user (see abstract and column 4, lines

24-29).

Cannon et al. does not teach receiving a request to fast-forward the video and detecting an attempt to bypass the second video data and, notwithstanding the request streaming the second video data to the user.

Perryman et al. teaches a method and apparatus for the prevention of fast-forwarding of a video cassette tape (see abstract) in which he teaches receiving a request to fast-forward the video and detecting an attempt to bypass the second video data and, notwithstanding the request streaming the second video data to the user (see abstract).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Cannon et al. by the teaching of Perryman et al., because receiving a request to fast-forward the video and detecting an attempt to bypass the second video data and, notwithstanding the request streaming the second video data to the user, would enable the computer method to show the commercial to the user no matter what this method do not permit the user to skip the advertisement that promote different kind of product.

As to claims 3 and 14, Cannon et al. as modified teaches wherein the second video data includes data representing an advertisement (see Perryman et al., abstract and column 1, lines 28-34).

As to claims 4 and 15, <u>Cannon et al</u>. as modified teaches wherein streaming includes compressing (see <u>Cannon et al</u>., column 7, lines 8-16).

As to claim 5, <u>Cannon et al</u>. as modified teaches the method further comprising:

storing with the data for the video a pointer a location of the second data on the data storage (see <u>Cannon et al</u>., column 10, lines 46-58).

As to claim 6, <u>Cannon et al</u>. teaches a video streaming system (see abstract) comprising:

a first portion of a virtual partition (see column 11, lines 13–16);

a second portion of the virtual partition (see column 7, lines 37-40); and

a file system operable to access data stored on the first and second portions of the virtual partition (see column 11, lines 7-20).

<u>Cannon et al</u>. does not teach a module operable to stream data for a video from the first and second portions of the virtual partition, the file system being configured to communicate with the first and second portions of the virtual partition through the module, the module being configured to ignore a request to stream fast-forwarded data from the second portion of the virtual partition.

<u>Perryman et al</u>. teaches a method and apparatus for the prevention of fast-forwarding of a video cassette tape (see abstract) in which he teaches a module operable to stream data for a video from the first and second portions of the virtual partition, the file system being configured to communicate with the first

and second portions of the virtual partition through the module, the module being configured to ignore a request to stream fast-forwarded data from the second portion of the virtual partition (see abstract and column 1, lines 28-34).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Cannon et al. by the teaching of Perryman et al., because a module operable to stream data for a video from the first and second portions of the virtual partition, the file system being configured to communicate with the first and second portions of the virtual partition through the module, the module being configured to ignore a request to stream fast-forwarded data from the second portion of the virtual partition, would enable the computer method to show the commercial to the user no matter what this method do not permit the user to skip the advertisement that promote different kind of product.

As to claims 7, Cannon et al. as modified teaches wherein the second video data stored on the second portion of the virtual partition includes data representing an advertisement (see Perryman et al., abstract and column 1, lines 28-34).

As to claim 8, Cannon et al. as modified teaches wherein the module is further operable to fast-forwarded the first video data from the first portion of the

virtual partition in response to the fast-forward request (see Perryman et al.,

claim 12).

As to claim 9, <u>Cannon et al</u>. as modified teaches the system further

comprising:

a compression unit operable to compress the data for the video (see

column 7, lines 8-16).

As to claim 10, <u>Cannon et al</u>. as modified teaches wherein a pointer

specifies a location of the data for the video that is stored on the second portion

(see <u>Cannon et al</u>., column 10, lines 46-58).

As to claim 11, <u>Cannon et al</u>. as modified teaches the system further

comprising: a server operable to send, in response to a user request, a request

to the file system for the data store on the first and second portions of the virtual

partition; the file system being operable to receive the request from the server

and provide the data stored on the first and second portions of the virtual

partition to the server (see <u>Cannon et al</u>., abstract; column 1, lines 62-66; and

column 2, lines 59-61).

As to claim 12, <u>Cannon et al</u>. as modified teaches a storage stack

comprising:

a file system operable to access data stored on one or more data storage

devices (see figure 2, characters 204-212; column 7, lines 3-4; column 9, lines

15-16; and column 9, lines 61-63); and

a disk strategy module (see column 9, lines 33-34).

Cannon et al. does not teach a virtual partition strategy module, the file

system being configured to communicate with the disk strategy module through

the virtual partition strategy module, the virtual partition strategy module being

configured to ignore a request to fast-forward through an advertisement in

streaming data.

Perryman et al. teaches a method and apparatus for the prevention of

fast-forwarding of a video cassette tape (see abstract) in which he teaches a

virtual partition strategy module, the file system being configured to

communicate with the disk strategy module through the virtual partition strategy

module, the virtual partition strategy module being configured to ignore a request

to fast-forward through an advertisement in streaming data (see Perryman et al.,

abstract and column 1, lines 28-34).

It would have been obvious to a person having ordinary skill in the art at

the time the invention was made to have modified Cannon et al. by the teaching

of Perryman et al., because a virtual partition strategy module, the file system

being configured to communicate with the disk strategy module through the

virtual partition strategy module, the virtual partition strategy module being

configured to ignore a request to fast-forward through an advertisement in

streaming data, would enable the computer method to show the commercial to the user no matter what this method do not permit the user to skip the advertisement that promote different kind of product.

As to claim16, Cannon et al. as modified teaches the product further comprising instructions for:

Storing with the data for the video a pointer to a location of the second data on the data storage (see Cannon et al., column 10, lines 46-58).

Response to Arguments

4. Applicant's arguments filed 7- June- 2005 with respect to the rejected claims in view of the cited references have been fully considered but they are not found persuasive:

In response to applicants' arguments that "Cannon et al, fail to teach or suggest streaming a video comprising previously-stored first video data and second video data from data storage to a user", the arguments have been fully considered but are not deemed persuasive, because Cannon et al. teaches " A method for displaying streamed digital video data on a client computer. The client computer is configured to receive the streamed digital video data from a server computer via a computer network. The streamed digital video data is transmitted from the server computer to the client computer as a stream of video frames.

The method includes receiving a first plurality of video frames at the client computer. The plurality of video frames represents a subset of the stream of video frames. The stream of video frames comprises independent playable video frames and dependent playable video frames. The method further includes displaying the first plurality of video frames on a video display terminal associated with the client computer" (see Cannon et al., abstract).

In response to applicants' arguments that "Cannon et al. fail to teach or suggest receiving a request to fast-forward the video and detecting an attempt to bypass the second video data and, notwithstanding the request streaming the second video data to the user", the arguments have been fully considered but are not deemed persuasive, because Perryman et al. teaches "This invention relates to a method and apparatus for preventing the fast-forwarding of a video tape cassette through a commercial advertisement recorded at the beginning of the tape. The methods disclosed make use of the standard photoelectric circuitry normally built into a video cassette recorder for sensing the transparent ends of a tape and stopping the recorder. Actuation of the standard stop circuitry may be accomplished by adding an auxiliary light source and associated operating circuitry to illuminate the photocell thereof", (see Perryman et al., abstract).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Belix M. Ortiz whose telephone number is 571-272-4081. The examiner can normally be reached on moday-friday 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bmo

CHARLES RONES
PRIMARY EXAMINER

July 22, 2005